



TOWN OF RIVERHEAD

GRANTED

DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO: 2021-057

SUMMARY: Addition to Residence

APPLICANT/PROPERTY OWNER: Panagiotis Papanikolaou, PO Box 747, Wading River, NY 11792

RELIEF SOUGHT: for variances and/or relief from Chapter 301 Section 31 where impervious surface coverage is 37.62% and previous ZBA approval permitted coverage in excess of 17%.

LOCATION: 96 18th Street, Wading River

SCTM#: 600-53-1-25

ZONING DISTRICT: Residence B-80 (RB80)

SIZE OF PROPERTY/REQUIRED SET BACKS: The property is approximately 5,000 square feet or 0.1148 acres. Minimum lot area is 80,000 square feet; minimum lot width is 175 square feet; maximum impervious coverage is 15%; maximum height of residential buildings is 35 feet; minimum front yard depth is 60 feet; minimum either side yard width is 30 feet; minimum both side yards, total width is 65 feet; minimum side yard abutting side street is 60 feet; minimum rear yard depth is 75 feet.

DATE OF HEARING: 1/27/2022

INSPECTION DATES: 1/22/2022, 1/26/2022

SUFFOLK COUNTY PLANNING COMMISSION: Pursuant to the Suffolk County Administrative Code Sections A14-14 to 23 referral of this matter to the Suffolk County Department of Planning and Development was not required.

SEQRA: The Zoning Board of Appeals has visited the property under consideration and reviewed the application and the Town's planning department determines that this review falls under Type II and does not require any further action pursuant to SEQRA.

PLEASE TAKE NOTICE that at the public hearings of the Town of Riverhead Zoning Board of Appeals on the above referenced dates, the above referenced appeal was heard, evidence placed into the record and the application was duly considered.

HISTORY/PROPERTY FACTS

1. Property received the following certifications:
 - a. Letter of PreExisting Use (LPEU) dated November 28, 2018 for one-story masonry & wood frame single family dwelling on slab (one studio bedroom, one bathroom, and shed)
 - b. Certificate of Compliance (19-0985) dated October 30, 2020) for residential wood stove installation
2. Relief from the Zoning Board of Appeals was granted by Determination 2018-062 on December 13, 2018 for setbacks for setbacks and impervious surface coverage. As-built surveys submitted to Building Department depict impervious surface coverage that far exceeded coverage granted, and an updated denial letter was sent from the Building Department on November 19, 2021. Application was made to the Zoning Board of Appeals on December 8, 2021.
3. After reviewing the application, the history of the property and information gathered at the public hearing pursuant to the criteria set forth in Town Law 267-b this Board makes the following findings of fact:
 - a. The property is presently improved with the following structure(s):
 - i. One and one-half story frame/masonry residence
 - ii. Frame shed

FINDINGS: The evidence in the record establishes that weighing the benefit of granting the area variance request against the detriment of granting the area variance request to the health, safety and welfare of the community and finds as follows:

1. The variance sought would not produce an impact on adjacent properties or the neighborhood as the expansion of the footprint toward the rear yard is minimal.
2. The requested variance is not substantial because the lot is undersized, preexisting nonconforming and would require relief from this board for even minor additions.
3. The benefit sought by the applicant cannot be achieved by some alternative means as the size of the property limits expansion; any modifications will require a variance.
4. The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood/district as the single family dwelling expansion in a residential zone is in keeping with the character of the community.
5. The alleged difficulty that the property owner is experiencing was self-created as it is the applicant's decision to expand; however, the undersized lot in a two acre zoning district grossly limits any improvements the applicant chooses to make. That fact does not prohibit this board from granting the relief sought.

DETERMINATION:

The Board has carefully reviewed and considered all of the testimony and evidence submitted in connection with the application as well as the findings set forth above. After this careful review, the board hereby determines that benefit of granting the area variance request when balanced against the detriment of granting the area variance request to the health, safety and welfare of the community, **weighs in favor of granting the application.**

The motion was made by Mr. Wittmeier and seconded by Mr. Barnes, that the aforementioned determination be approved:

THE VOTE

MR. ZAWESKI: ABSENT MR. BARNES: AYE
MR. GAZZILLO: AYE MR. WITTMER: AYE
MR. MCLAUGHLIN: AYE

**This determination X was ___ was not
therefore duly adopted**

Based upon the foregoing, the area variance is **GRANTED** and, if granted, is subject to the following conditions which, based upon the evidence presented, will minimize the adverse impacts that the variance would have on the community or district as identified above.

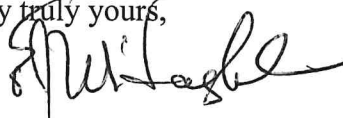
NO CONDITIONS

If this is an approval, it is necessary that you take this duplicate original letter with you to the Building Department when applying for a Building Permit. Pursuant to Riverhead Town Code §105-8(D), any determination made by the Zoning Board of Appeals shall not become effective unless a permit is obtained in accordance herewith within one year of the date of such determination, unless the Zoning Board of Appeals has stipulated a different period of time in its determination. The Zoning Board of Appeals shall have the power, by resolution, to extend its determination for a period of one year upon written notice from the applicant or his agent of the desire to do so. No more than three such extensions shall be allowed. The provisions of this subsection shall not apply in cases of interpretation of variances for the use of land unless the Zoning Board of Appeals has indicated a time period

in the determination. Failure to comply therewith will render this approval null and void. In the event that this is an approval subject to conditions, the approval shall not be deemed effective until such time that the foregoing conditions are met. **This determination shall expire on January 27, 2023.**

Dated: 2/10/22

Very truly yours,

A handwritten signature in black ink, appearing to read 'Fred McLaughlin', written over the closing text.

Fred McLaughlin, Chairman
ZONING BOARD OF APPEALS



TOWN OF RIVERHEAD

GRANTED
WITH CONDITIONS

DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO.: 2021-046

SUMMARY: Proposed Deli & Barber Shop

APPLICANT/PROPERTY OWNER: JLL Properties Corp, 19 Placid Court, Holbrook, NY 11741

RELIEF SOUGHT: for a special exception from Chapter 301 Section 222 B where proposed change from a preexisting nonconforming auto parts shop building to a nonconforming deli (specialty food shop) and nonconforming barber shop (personal service business)

LOCATION: 1312 E. Main Street, Riverhead 11901

SCTM#: 600-105-1-20

ZONING DISTRICT: Commercial/Residential Campus (CRC)

SIZE OF PROPERTY/REQUIRED SET BACKS: The property is approximately 0.35 acres or 15,246 square feet. Minimum lot area is 40,000 square feet; minimum lot width at front street is 200 feet; building lot coverage maximum without sewer is 20%, with sewer is 25%; maximum impervious surface is 60%; maximum height of buildings is 35 feet; minimum front yard depth is 30 feet; minimum depth for each side yard is 15 feet; minimum combined depth for 2 sides is 30 feet; minimum rear yard depth is 50 feet.

DATES OF HEARING: 1/27/2022

INSPECTION DATES: 1/24/2022

SUFFOLK COUNTY PLANNING COMMISSION: Pursuant to the Suffolk County Administrative Code Sections A14-14 to 23 this matter was referred to the Suffolk County Department of Planning and Development and is considered a matter for local determination as there appears to be no significant county-wide or inter-community impacts.

SEQRA: The Zoning Board of Appeals has visited the property under consideration and reviewed the application and determines that this is an Unlisted Action and is not expected to result in significant adverse environmental impacts; it does not conform to the Comprehensive Plan.

PLEASE TAKE NOTICE that at the public hearings of the Town of Riverhead Zoning Board of Appeals on the above referenced dates, the above referenced appeal was heard, evidence placed into the record and the application was duly considered. Based upon the foregoing, the Zoning Board of Appeals takes the following action:

HISTORY/PROPERTY FACTS

1. Property received the following certifications:
 - a. Certificate of Occupancy (ZB20898) dated January 19, 1999 for demising wall
 - b. Certificate of Occupancy (ZB20897) dated January 27, 1999 for storage building
 - c. Certificate of Occupancy (ZB35557) dated May 21, 2010 for 480 sq. ft. addition to building and 280 sq. ft. storage trailer
 - d. Letter of PreExisting Use (LPEU) dated May 19, 2010 for one-story masonry retail building
2. Property was commercially developed in 1960 and was recently used as a nonconforming auto part store.
3. Property received a special exception from the Zoning Board of Appeals for change from one nonconforming use to another by Determination 2018-016 dated June 14, 2018; the determination expired prior to obtaining a building permit. Subsequent application was made to the Building Department on August 9, 2021 for a use permit for barber shop and deli. A denial letter was sent from the Building

Department on August 9, 2021, and an application was made to the Zoning Board of Appeals on September 23, 2021; application was deemed complete on December 17, 2021.

FINDINGS:

The evidence in the record establishes that weighing the benefit of granting the relief sought will provide a benefit to the community that outweighs any detriment since the reuse of the currently vacant and blighted property will eliminate the negative impacts associated with the aesthetically unappealing, vacant structure and bring the property into compliance with Town Code. The subject relief is conditioned upon the following definition and hours of operation for the non-conforming delicatessen/specialty food shop use:

Delicatessen means an establishment which sells prepared, preserved or prepackaged food, in a ready to consume state, including but not limited to meats, prepared sandwiches, soups, salads, and desserts for immediate consumption primarily off premises. A customer sitting area of no more than sixteen (16) seats may be utilized. Specialty boxed food items, sundries, beverages, uncooked meats, and uncooked vegetables may be sold on an ancillary basis. While alcoholic beverages may be sold, the service of same is strictly prohibited. Hours of operation are limited to 5:00 a.m. to 11:00 p.m.

The motion was made by Mr. Wittmeier, seconded by Mr. Gazzillo, that the aforementioned determination be approved:

THE VOTE

MR. ZAWESKI: ABSENT MR. BARNES: NAY

MR. GAZZILLO: AYE MR. WITTMEIER: AYE

MR. MCLAUGHLIN: AYE

**This determination X was ___ was not
therefore duly adopted**

Based upon the foregoing, the above special exception is **GRANTED** and, if granted, is subject to the following conditions which, based upon the evidence presented, will minimize the adverse impacts that the variance would have on the community or district as identified above.

CONDITIONS

The subject relief is conditioned upon the following definition and hours of operation for the non-conforming delicatessen/specialty food shop use:

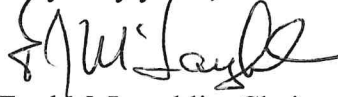
Delicatessen means an establishment which sells prepared, preserved or prepackaged food, in a ready to consume state, including but not limited to meats, prepared sandwiches, soups, salads, and desserts for immediate consumption primarily off premises. A customer sitting area of no more than sixteen (16) seats may be utilized. Specialty boxed food items, sundries, beverages, uncooked meats, and uncooked vegetables may be sold on an ancillary basis. While alcoholic beverages may be sold, the service of same is strictly prohibited. Hours of operation are limited to 5:00 a.m. to 11:00 p.m.

If this is an approval, it is necessary that you take this duplicate original letter with you to the Building Department when applying for a Building Permit. Pursuant to Riverhead Town Code §105-8(D), any determination made by the Zoning Board of Appeals shall not become effective unless a permit is obtained in accordance herewith within one year of the date of such determination, unless the Zoning Board of Appeals has stipulated a different period of time in its determination. The Zoning Board of Appeals shall have the power, by resolution, to extend its determination for a period of one year upon written notice from the applicant or his agent of the desire to do so. No more than three such extensions shall be allowed. The provisions of this subsection shall not apply in cases of interpretation of variances for the use of land unless the Zoning Board of Appeals has indicated a time period in the determination. Failure to comply therewith will render this approval null and void. In the event that this

is an approval subject to conditions, the approval shall not be deemed effective until such time that the foregoing conditions are met. **This determination shall expire on January 27, 2023.**

Dated: 2/10/22

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred McLaughlin", written over the printed name.

Fred McLaughlin, Chairman
ZONING BOARD OF APPEALS



TOWN OF RIVERHEAD

DETERMINATION OF THE ZONING BOARD OF APPEALS

GRANTED
WITH CONDITIONS

APPEAL NO: 2021-001

SUMMARY: Demo & Rebuild Dwelling, In-ground Pool

APPLICANT/PROPERTY OWNER: 599 Peconic LLC, 130 W. 79th St, New York, NY 10024

RELIEF SOUGHT: for variances and/or relief from Chapter 301 Section 17 where existing lot width is 60.63 ft. and minimum required is 100 ft.; where side yards are 4.7 ft. and 6 ft. and minimum required is 25 ft. and 30 ft.; where rear yard setback is 43.5 ft. and minimum required is 60 ft.; where proposed impervious surface is 16.4% and maximum permitted is 15%; Section 15A(1)(a) where accessory structure located in front yard which is not permitted; and Section 15A(1)(b) where proposed pool is 6.7 ft. from property line and minimum required is 20 ft.

LOCATION: 599 Peconic Bay Boulevard, Jamesport

SCTM#: 600- 87-2-18

ZONING DISTRICT: Residence B-40 (RB40)

SIZE OF PROPERTY/REQUIRED SET BACKS: The property is approximately 18,290 sq. ft. or 0.42 acres. Minimum lot area is 40,000 square feet; minimum lot width is 150 feet; maximum impervious coverage is 15%; maximum height of residential buildings is 35 feet; minimum front yard depth is 50 feet; minimum either side yard width is 25 feet; minimum both side yards, total width is 55 feet; minimum side yard abutting side street is 50 feet; minimum rear yard depth is 60 feet. Accessory in side yard setback is 20 feet. Accessory in rear yard setback is 20 feet. Accessory setback to side/rear street line is 50 feet.

DATE OF HEARING: 2/11/21, 10/14/21, 11/10/21, 1/13/22

INSPECTION DATES: 2/8/21, 2/10/21

SUFFOLK COUNTY PLANNING COMMISSION: Pursuant to the Suffolk County Administrative Code Sections A14-14 to 23 this matter was referred to the Suffolk County Department of Planning and Development was deemed to be a matter for local determination.

SEQRA: The Zoning Board of Appeals has visited the property under consideration and reviewed the application and the Town's planning department determines that this review falls under Type II and does not require any further action pursuant to SEQRA.

PLEASE TAKE NOTICE that at the public hearings of the Town of Riverhead Zoning Board of Appeals on the above referenced dates, the above referenced appeal was heard, evidence placed into the record and the application was duly considered.

HISTORY/PROPERTY FACTS

1. Property received the following certifications:
 - a. Letter of Pre-existing Use dated May 29, 1986 for single family residence with a one car detached garage vesting zoning as Residence C.
 - b. Certificate of Occupancy (ZB 15719) dated July 7, 1993 for foundation under residence.
 - c. Conservation Advisory Council Approval No. 2020-008 dated November 23, 2020 to construct a new two-story single family residence along with related accessory structures including an in-ground pool, new sanitary wastewater management system and deck.
 - d. Permit from New York State of Environmental Conservation dated September 9, 2021 to remove single story dwelling and appurtenances, replace with two-story, single family dwelling, deck, pool, pool house, and detached garage. Relocate existing shed, install drywells, French drain along

revetment/seawall and gravel driveway, upgrade sanitary system, and establish a 15 foot non-disturbance buffer to be planted with native vegetation only.

2. Application was made to the Building Department on December 1, 2020 to demo and rebuild two-story dwelling, in-ground pool, pool house, detached garage, and relocate existing shed, and an application was made to the Zoning Board of Appeals on January 7, 2021. Subsequently, a denial letter was sent from the Building Department on January 26, 2021.
3. Amended plans were submitted to the Building Department, and a new denial letter was issued on December 9, 2021.
4. After reviewing the application, the history of the property and information gathered at the public hearing pursuant to the criteria set forth in Town Law 267-b this Board makes the following findings of fact:
 - a. The property is presently improved with the following structure(s):
 - i. One-story frame house
 - ii. Frame shed
 - b. At a public hearing held by this Board on February 11, 2021, Stuart Phillips, architect for the applicant, Michael Kimack, representative, and Sandra DeOvando were present. Mr. Phillips, under sworn testimony, described the proposed project and the plans to replace the existing bungalow (800 sq. ft.) with a two-story dwelling, pool, detached garage and relocation of the shed. Members of the public objected to the setbacks, location of the house, impervious surface, and alleged illegal renting of the property. Ms. DeOvando testified that the home is for her family; she admitted that she did list it for rent during the pandemic, but she assured the Board that would not be the case going forward. The matter was adjourned.
 - c. Applicant retained Charles Cuddy, Esq. to represent her, and subsequent requests for adjournment were approved by the Board as the applicant sought NYSDEC approval.
 - d. At a public hearing held on October 14, 2021, Charles Cuddy, Doug Adams of Young & Young Engineering, and Sandra DeOvando were present. Mr. Cuddy detailed the NYSDEC approval, and Mr. Adams explained the proposed septic system placement and the difficulties faced if the pool were relocated to the front yard. Again neighbors expressed opposition, and the Board asked the applicant to modify the proposal. An adjournment was set for November 10, 2021.
 - e. At a public hearing held on November 10, 2021, Stuart Phillips and Charles Cuddy presented a modified plan shown on a survey to the Board. Members of the public had the opportunity to view the modified proposal; the design was well-received, and the Board advised the applicant to amend her proposal with the building department, obtain a new denial letter and amend the Zoning Board application. Mr. Cuddy submitted the amended Zoning Board of Appeals application on December 20, 2021.
 - f. At a public hearing held before this board on January 13, 2022, Mr. Cuddy described the modifications, stating that they accomplished what the Board asked them to do. The house was positioned further back, and the west side yard setback is now six feet, originally at three feet. The pool size has been reduced and is now "six feet in." Most importantly, Mr. Cuddy stated that the detached garage and pool house had been removed from the plans. Overall impervious surface coverage decreased to 16.4% from the original proposal of 19.9%. Mr. Cuddy also submitted correspondence from both Town & Country and Colony Real Estate stating that dwellings situated further from the bay result in decreased property values. A consultation report from Andrew Stype Realty dated November 9, 2021, submitted as part of the record, also reiterated a decreased market value should the dwelling be situated further from the bay.

FINDINGS: Weighing the benefit of granting the area variance request against the detriment of granting the area variance request to the health, safety and welfare of the community, this Board finds as follows:

1. The variance sought would not produce an adverse impact on adjacent properties or the neighborhood as the rear yard setback is greater than the setback of the residence to the west. The parcel to the east is an undeveloped civic association park and beach site. The neighboring properties have similar setbacks.
2. In part the variance is substantial; however, in response to community comments, the applicant has voluntarily increased the rear yard and side yard setbacks, reduced pool dimensions, eliminated proposed structures and reduced impervious surface coverage. Perhaps more importantly, though the requested variances may seem numerically substantial, case law tells us that when addressing variances, the concern is about the impact of the variance, not so much the mathematical number. As the request is similar to various property setbacks in the neighborhood, it is in keeping with the character of the community. The surrounding community is similar in character to that which is proposed by the applicant.
3. The benefit sought cannot be achieved by some alternative means as the lot dimensions create a difficulty to propose any meaningful alternative.
4. The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood/district as variances for a residence in a residential area to replace an existing home will not adversely affect the environment. Furthermore, the applicant obtained NYSDEC approval, CAC approval and must abide by any Suffolk County Health Department approvals for the proposed septic system. All stormwater will be retained by drywells located on the property.
5. The alleged difficulty that the property owner is experiencing was not self-created as the difficulty is solely due to the nonconforming lot size.

DETERMINATION:

The Board has carefully reviewed and considered all of the testimony and evidence submitted in connection with the application as well as the findings set forth above. After this careful review, the board hereby determines that benefit of granting the area variance request when balanced against the detriment of granting the area variance request to the health, safety and welfare of the community, **weighs in favor of granting the application with conditions outlined below.**

The motion was made by Mr. Wittmeier and seconded by Mr. Barnes that the aforementioned determination be approved:

THE VOTE

MR. ZAWESKI: ABSENT MR. BARNES: AYE
MR. GAZZILLO: RECUSED MR. WITTMEIER: AYE
MR. MCLAUGHLIN: AYE

**This determination X was ___ was not
therefore duly adopted**

Based upon the foregoing, the area variance is **GRANTED** and, if granted, is subject to the following conditions which, based upon the evidence presented, will minimize the adverse impacts that the variance would have on the community or district as identified above.

CONDITIONS

1. Survey to be amended to include landscape buffer that provides heavy shielding between the pool and the Beach Harbor Civic Association's right-of-way.
2. Five (5) signed/sealed surveys detailing landscape buffer must be submitted to the Clerk of the Zoning Board of Appeals prior to issuance of a building permit.

If this is an approval, it is necessary that you take this duplicate original letter with you to the Building Department when applying for a Building Permit. Pursuant to Riverhead Town Code §105-8(D), any determination made by the Zoning Board of Appeals shall not become effective unless a permit is obtained in accordance herewith within one year of the date of such determination, unless the Zoning Board of Appeals has stipulated a different period of time in its determination. The Zoning Board of Appeals shall have the power, by resolution, to extend its determination for a period of one year upon written notice from the applicant or his agent of the desire to do so. No more than three such extensions shall be allowed. The provisions of this subsection shall not apply in cases of interpretation of variances for the use of land unless the Zoning Board of Appeals has indicated a time period in the determination. Failure to comply therewith will render this approval null and void. In the event that this is an approval subject to conditions, the approval shall not be deemed effective until such time that the foregoing conditions are met. **This determination shall expire on January 27, 2023.**

Dated: 2/10/22

Very truly yours,



Fred McLaughlin, Chairman
ZONING BOARD OF APPEALS



TOWN OF RIVERHEAD

GRANTED

DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO: 2022-001

SUMMARY: Proposed First and Second Story Addition

APPLICANT/PROPERTY OWNER: Barbara Howard, 13 Harbor Rd, Riverhead, NY 11901

RELIEF SOUGHT: for variances and/or relief from Chapter 301 Section 31 where proposed front yard setback is 29.9 ft. and minimum required is 60 ft.; where proposed side yard setback from side street is 13.8 ft. and minimum required is 60 ft.; and where combined side yard is 30.6 ft. where minimum required is 65 ft.

LOCATION: 13 Harbor Road, Aquebogue

SCTM#: 600- 113-2-26

ZONING DISTRICT: Residence B-80 (RB80)

SIZE OF PROPERTY/REQUIRED SET BACKS: The property is approximately 24,347 sq. ft. or 0.56 acres. Minimum lot area is 80,000 square feet; minimum lot width is 175 square feet; maximum impervious coverage is 15%; maximum height of residential buildings is 35 feet; minimum front yard depth is 60 feet; minimum either side yard width is 30 feet; minimum both side yards, total width is 65 feet; minimum side yard abutting side street is 60 feet; minimum rear yard depth is 75 feet; accessory in side yard setback is 25 feet; accessory in rear yard setback is 20 feet; accessory setback to side/rear street line is 60 feet.

DATE OF HEARING: 1/27/2022

INSPECTION DATES: 1/24/2022, 1/26/2022

SUFFOLK COUNTY PLANNING COMMISSION: Pursuant to the Suffolk County Administrative Code Sections A14-14 to 23 this matter was referred to the Suffolk County Department of Planning and Development and by letter dated January 7, 2022 was deemed to be a matter for local determination.

SEQRA: The Zoning Board of Appeals has visited the property under consideration and reviewed the application and the Town's planning department determines that this review falls under Type II and does not require any further action pursuant to SEQRA.

PLEASE TAKE NOTICE that at the public hearings of the Town of Riverhead Zoning Board of Appeals on the above referenced dates, the above referenced appeal was heard, evidence placed into the record and the application was duly considered.

HISTORY/PROPERTY FACTS

1. Property received the following certifications:

- a. Certificate of Occupancy (ZB8406) dated March 18, 1985 for addition to single family residence
- b. Letter or PreExisting Use (LPEU) dated December 9, 1987 for single family residence with two car detached garage
- c. Certificate of Occupancy (ZB11057) dated December 9, 1987 for canopy addition to garage
- d. Certificate of Occupancy (ZB21637) dated May 9, 2000 for addition to single family residence
- e. Certificate of Compliance (18-0109) dated February 26, 2018 for conversion of heating from oil/hot water to gas/forced hot air and central air conditioning
- f. Department of Environmental Conservation permit (1-4730-01855/00001) dated July 16, 2020 to construct additions to existing single-family dwelling
- g. Certificate of Occupancy (19-0831) dated August 14, 2020 for deck, replace existing attached and construct new 11' x 12' with hot tub (per CAC approval 2019-27)

2. Application was made to the Building Department on November 8, 2021 for second floor for master bedroom, walk in closet, second story deck, full bathroom, sitting area with coffee bar, laundry closet, wet bar, office, one story side addition over crawlspace for half bath, mudroom and roofed-over entry porch, renovate existing first floor bedroom, and new roofed-over entry porch. A updated denial letter was sent from the Building Department on January 12, 2022; original application was made to the Zoning Board of Appeals on December 27, 2021.
3. After reviewing the application, the history of the property and information gathered at the public hearing pursuant to the criteria set forth in Town Law 267-b this Board makes the following findings of fact:
 - a. The property is presently improved with the following structure(s):
 - i. Two-story frame house
 - ii. Detached frame garage
 - iii. Composite deck with hot tub
 - iv. Frame shed

FINDINGS: The evidence in the record establishes that weighing the benefit of granting the area variance request against the detriment of granting the area variance request to the health, safety and welfare of the community and finds as follows:

1. The variance sought would not produce an impact on adjacent properties or the neighborhood as it will not diminish or impair values within the neighborhood; the proposed will not create a nuisance or traffic congestion. The project would result in an overall increase in property value and tax base.
2. The requested variance is not substantial because the lot is undersized, preexisting nonconforming and requires relief from this board for even minor additions.
3. The benefit sought by the applicant cannot be achieved by some alternative means because the metes and bounds of the existing property do not allow for setbacks to be met.
4. The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood/district as the proposed is an addition to a single family dwelling in a residential neighborhood.
5. The alleged difficulty that the property owner is experiencing was not self-created as the difficulty is solely due to the nonconforming lot size.

DETERMINATION:

The Board has carefully reviewed and considered all of the testimony and evidence submitted in connection with the application as well as the findings set forth above. After this careful review, the board hereby determines that benefit of granting the area variance request when balanced against the detriment of granting the area variance request to the health, safety and welfare of the community, **weighs in favor of granting the application.**

The motion was made by Mr. Gazzillo and seconded by Mr. Wittmeier that the aforementioned determination be approved:

THE VOTE

**MR. ZAWESKI: ABSENT MR. BARNES: AYE
MR. GAZZILLO: AYE MR. WITTMEIER: AYE
MR. MCLAUGHLIN: AYE**

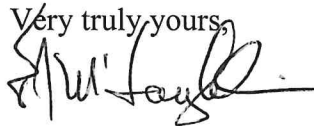
**This determination X was was not
therefore duly adopted**

Based upon the foregoing, the area variance is **GRANTED** and, if granted, is subject to the following conditions which, based upon the evidence presented, will minimize the adverse impacts that the variance would have on the community or district as identified above.

NO CONDITIONS

If this is an approval, it is necessary that you take this duplicate original letter with you to the Building Department when applying for a Building Permit. Pursuant to Riverhead Town Code §105-8(D), any determination made by the Zoning Board of Appeals shall not become effective unless a permit is obtained in accordance herewith within one year of the date of such determination, unless the Zoning Board of Appeals has stipulated a different period of time in its determination. The Zoning Board of Appeals shall have the power, by resolution, to extend its determination for a period of one year upon written notice from the applicant or his agent of the desire to do so. No more than three such extensions shall be allowed. The provisions of this subsection shall not apply in cases of interpretation of variances for the use of land unless the Zoning Board of Appeals has indicated a time period in the determination. Failure to comply therewith will render this approval null and void. In the event that this is an approval subject to conditions, the approval shall not be deemed effective until such time that the foregoing conditions are met. **This determination shall expire on January 27, 2023.**

Dated: 9/10/22

Very truly yours,


Fred McLaughlin, Chairman
ZONING BOARD OF APPEALS